



January 20, 2004 CPC  
February 17, 2004 CPC  
March 16, 2004 CPC

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04SN0170

Henry D. Moore and Kenneth R. Turner

Bermuda Magisterial District  
Ecoff Elementary School, Carver Middle School and Bird High School Attendance Zones  
South line of West Hundred Road

**REQUEST:** Rezoning from Agricultural (A) and Neighborhood Business (C-2) to Residential (R-25) and Neighborhood Office (O-1).

**PROPOSED LAND USE:**

A single family residential subdivision with a maximum of fifty (50) lots, yielding a density of approximately .68 lots per acre, is planned. In addition, neighborhood office uses, as restricted by the proffered conditions, are proposed on a portion of the property.

**RECOMMENDATION**

Recommend denial for the following reason:

While the proposal conforms to the Chester Village Plan which suggests the property is appropriate for single family residential use of 1.01 to 2.5 dwelling units per acre, and provides an opportunity to replace commercial zoning with the less intense office zoning, transportation concerns, as expressed herein, have not been adequately addressed.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION.  
THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

## PROFFERED CONDITIONS

1. The uses permitted in the Neighborhood Office (O-1) District shall be limited to the following:
  - a) Nursery Schools and Child or Adult Day Care Centers and Kindergartens
  - b) Offices
  - c) Churches and/or Sunday Schools (P)
2. The public water system shall be used. (U)
3. With the exception of timbering which has been approved by the Virginia State Division of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. In conjunction with the recordation of the initial subdivision plat or prior to site plan approval, whichever occurs first, forty-five (45) feet of right-of-way on the south side of West Hundred Road, measured from the centerline of that part of West Hundred Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. Direct access from the property to West Hundred Road shall be limited to no more than one (1) public road. Direct access, if used, from the property to the proposed North-South major arterial, located along the eastern property line, (the "North-South Arterial") shall be limited to one (1) public road. The exact locations of these accesses shall be approved by the Transportation Department. (T)
6. To provide for an adequate roadway system at the time of complete development, the Owner/Developer shall be responsible for the following:
  - a) Widening/improving the south side of West Hundred Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the length of the property.
  - b) Construction of additional pavement along West Hundred Road and the North South Arterial at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
  - c) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way or easements required from the improvements identified above. In the event, however, the Developer is unable to acquire any "off-site" right-of-

way that is necessary for any improvements described in 6.a and 6.b, the Developer may request in writing, that the County may acquire such right-of-way as a public road improvement. All costs associated with such right-of-way acquisition shall be borne by the Developer. In the event the County chooses not to assist the Developer in the acquisition of "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and only be required to provide road improvements within the available right-of-way as determined by the Transportation Department. (T)

7. Prior to any construction plan approval, and if requested by the Transportation Department, a phasing plan shall be submitted and approved for the required road improvements described in Proffered Condition 6. (T)
8. The exposed surfaces of the foundations of each dwelling shall be covered with brick or stone veneer. (P)
9. All dwellings shall have a minimum gross floor area of 2,200 square feet. (BI)
10. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit:
  - a) \$8,402 per dwelling unit, if paid prior to July 1, 2004; or
  - b) The amount approved by the Board of Supervisors not to exceed \$8,402 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004. At the time of payment, the \$8,402 will be allocated pro-rata among the facility costs as follows: \$3,547 for roads, \$4,185 for schools, \$324 for libraries and \$346 for fire stations. Payments in excess of \$8,402 shall be pro rated as set forth above.
  - c) In lieu of the Parks and Recreation portion of the Cash Proffer, the Developer shall:
    1. Dedicate an easement to the county along the eastern side of the subject parcel for use as a public trail, the terms of which shall be acceptable to the Parks and Recreation Department and shall include, but not be limited to rights (but no obligation) to provide maintenance operations, planting of supplemental landscaping, installation of park signs and other incidental facilities. Specifically, the easement shall be thirty (30) feet in width located adjacent to the 100-foot county-owned right-of-way. Such easement shall be dedicated pursuant to a recorded instrument approved by the Parks and Recreation Department and the County Attorney's office and shall be recorded

within one (1) year of zoning approval, prior to or contemporaneously with the recordation of any subdivision plat, whichever occurs first.

2. Construct ½ mile of this public trail to Parks and Recreation standards for a multi purpose, soft-surface trail within two (2) years of zoning approval. The exact design of this trail shall be approved by the Parks and Recreation Department.
  3. In the event that the cash payment is not used within 15 years of receipt for the purpose for which it was hereby proffered in 10.a, the cash shall be returned in full to the payor. (B&M)
11. The maximum number of dwelling units permitted for this request shall be 50. (P)
  12. At a minimum, the following restrictive covenants shall be recorded for the development:

Architectural Board: The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all existing improvements, and to the open space, if any, appurtenant thereto on all property. It shall prepare and, on behalf of the Board of Directors, shall promulgate design and development guidelines and application and review procedures, all as part of the design and environmental standards. The standards shall incorporate all restrictions and guidelines relating to the development and construction contained in this Declaration as well as restrictions and guidelines with respect to the location of structures upon property, size of structures, driveway and parking requirements, foundations and lengths of structures, and landscaping requirements. Copies shall be available to those of the Association, and the Architectural Board shall have full and sole authority to prepare and to amend the standards available to Owners, builders, and developers who seek to engage in development of or construction upon property with their operations strictly in accordance therewith. The Architectural Board shall have three (3) members, all appointed by the Declarant. At such time as fifty percent (50%) of the lots have been developed, improved and conveyed to purchasers in the normal course of development and sale, the Board of Directors of the Association shall have the right to appoint two (2) additional members, to be selected from the occupants of the development, to the Architectural Board. At no time shall the Architectural Board have less than three (3) or more than five (5) members. At such time as one hundred percent (100%) of the property has been developed, improved, and conveyed to the purchasers in the normal course of development and sale, the Board of Directors of the Association shall appoint all members of the Architectural Board.

Mailboxes: Every improved lot shall be required to have a mailbox with supporting post and a street light design and installation as specified in the standards. Each lot

owner shall be responsible for the maintenance and operation of the fixture, support and mailbox.

Parking: Each property owner shall provide space for the parking of automobiles off the public street prior to occupancy of any building in accordance with the standards.

Signs: No signs shall be erected or maintained on the property by anyone including, but not limited to, the owner, a realtor, a contractor, or a subcontractor, except as may be permitted by legal proceedings. Residential property identification, i.e., address number and like signs shall be permitted if not exceeding a combined area of one (1) square foot and may be erected without the permission of the Declarant or the Association.

Condition of Ground and Premises: It shall be the responsibility of each property owner and/or tenant to prevent the development of any unclean, unsightly, or unkempt conditions of building or grounds on such property which shall tend to substantially decrease the beauty of the neighborhood as a whole or the specific area.

Minimum Square Footage: No building plan submitted under these Covenants shall be approved unless the proposed house or structure has a minimum square footage of enclosed dwelling space as specified in the standards. Such minimum requirement for each lot will be specified in each sales contract and stipulated in each deed. The term "enclosed dwelling area" as used in these minimum size requirements shall not include garages, terraces, decks, open porches and like areas.

Garages: All garages, whether attached or detached to the main dwelling, shall have its doors oriented to the rear or the side of the lot and away from the public street.

Residential Use:

- a. All lots shall be used for residential purposes only. The use of a portion of a dwelling on a lot as an office by the owner or tenant thereof shall be considered a residential use if such use does not create customer or client traffic to and from the lot. No structure, except as herein provided, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) single family detached and one (1) accessory building which may include a detached, private garage, provided the use of such accessory building does not overcrowd the site and further that such building is not used for any activity normally conducted as business. Such accessory building shall not be constructed prior to the construction of the main dwelling.
- b. A guest suite or like facility without a kitchen may be included as a part of the main dwelling or accessory building, but such suite may

not be rented as leased as a part of the entire premises including the main dwelling and provided, however, that such suite would not result in overcrowding of the site.

- c. The provisions of this paragraph shall not prohibit the Developer from using a house as a model as provided in this Declaration.

Exterior Construction Completion: The exterior of all dwelling and other structures must be completed within one (1) year after construction of the same has commenced, except where such completion is impossible or would result in great hardship to the Owner or Developer due to fires, strikes, national emergency, or natural calamities. Dwelling or other structures may not be permanently or temporarily occupied until the exteriors thereof have been completed. During the continuance of construction, the Owner of the lot shall require the Contractor to maintain the lot in a reasonably clean and uncluttered condition.

Screened Areas: Each lot shall provide a screened area to serve as a service yard for garbage receptacles, fuel tanks or similar storage containers, electric and gas meters, air conditioning equipment, clotheslines, and other unsightly objects which may be placed or stored in order to conceal them from view from the road and adjacent properties. Plans for such screening delineating the size, design, texture, appearance, and location must be approved by the Architectural Board prior to construction. Garbage receptacles may be placed outside the screened area only if placed underground.

Fences: All fences shall be placed at least forty (40) feet from any property line, unless otherwise approved by the Architectural Board or required by the Building Code. If constructed, fences shall be composed of white vinyl, be a maximum of four (4) feet high, and in no case shall be placed forward of the rear of the principal dwelling.

Vehicle Storage: No mobile home, trailer, tent, barn, or other similar out-building or structure shall be placed on the property at any time, either temporarily or permanently. Boats, boat trailers, campers, recreational vehicles, or utility trailers may be maintained on a lot, but only when in an enclosed or screened area approved by the Architectural Board such that they will not be generally visible from adjacent properties.

Temporary Structures: No structure of a temporary nature shall be placed upon any lot at any time provided, however, that this prohibition shall not apply to shelter or temporary structures used by the Contractor during construction of the main dwelling house, it being clearly understood that such items shall be removed from the premises immediately upon completion of construction.



Antennas: No antennas for television, radio, or similar device shall be permitted except that if cable television service is not available.

Further Subdivision: No lot shall be subdivided or its boundary lines changed, or application to do so be made and filed with Chesterfield County, without the prior written permission of the Declarant. However, the Declarant reserves the right to itself, its successors and/or assigns to replat any lot or lots owned by it to create a modified building lot for the purposes of creating a suitable building site for a residence, a recreational or common area, or other areas, provided that no lot shown on the original plat is reduced in size smaller than the smallest lot that was shown on the original plat. If two (2) or more lots are combined into one (1) lot, the exterior of the boundary of the newly created lot will serve as the basis for interpretation of these covenants.

Animals: Only common household pet animals shall be permitted. All pet animals shall be secured on a leash or a lead, or be under control of a responsible person at all times. No livestock, including cattle, horses, sheep, goats, pigs, or poultry shall be permitted on any lot. If such prohibited animals are found to be located on any lot, after written notice of complaint and reasonable time to remedy the situation is given, the Board of Directors may take action to have the animal or any pet which has been determined by the Board of Directors to be a nuisance or danger removed from the development.

Motor Bikes or All Terrain Vehicles: No motor bikes, motorcycles, or all terrain vehicles shall be driven upon the common areas, lots, roads (unless property licensed on roads) with the exception of licensed vehicles and mopeds which shall be operated solely upon the public streets for direct ingress and egress purposes only.

External Lighting: No external lighting shall be installed or used on any property which is of a character, intensity, or location which will interfere with the use, enjoyment and privacy of any lot owner or adjacent property. No neon or flashing lighting shall be permitted. All exterior lighting shall be subject to approval by the Architectural Board in size, location, color and intensity.

Swimming Pools: No swimming pool, whether above or below ground, whether temporary or permanent shall be installed upon any lot without prior written approval of the Architectural Board. If installed, all swimming pools shall be screened as approved by the Architectural Board and enclosed as per the requirements of the Building Code.

Rules and Regulations: The Board of Directors is granted and shall have power to regulate rules and regulations, from time to time as it sees fit, governing the use of land activity upon the Common Area. All rules and regulations promulgated by the Board of Directors shall be published and distributed to each member of the Association at least sixty (60) days prior to the effective date. (P)

## GENERAL INFORMATION

### Location:

South line of West Hundred Road, south of Iron Bridge Road. Tax IDs 784-650- Part of 4858, 784-651-5555 and 785-651-1613 (Sheets 26 and 34).

### Existing Zoning:

Agricultural (A) and Neighborhood Business (C-2)

### Size:

73.3 acres

### Existing Land Use:

Vacant

### Adjacent Zoning and Land Use:

North - A; Single family residential or vacant

South - A; Vacant

East - A and R-40; Single family residential or vacant

West - A; Single family residential, public/semi-public (church) or vacant

## UTILITIES

### Public Water System:

There is an eight (8) inch water line extending along the south side of West Hundred Road, adjacent to this site. In addition, there is a sixteen (16) inch water line extending along the north side of Iron Bridge Road, approximately 1,200 feet north of this site. Use of the public water system is intended and has been proffered. (Proffered Condition 2)

### Public Wastewater System:

The public wastewater system is not available to serve the request site. The closest extendable wastewater line is the twenty-four (24) inch Ashton Creek Trunk Line that terminates approximately 6,800 feet east of this site. Use of the public wastewater system is not required by County Code; however the Utilities Department has recommended that the public wastewater system be used.



### Private Septic System:

Use of private septic systems must be approved by the Health Department.

## ENVIRONMENTAL

### Drainage and Erosion:

There are no existing or anticipated on- or off-site drainage or erosion problems. A five (5) acre pond is upstream and adjacent to the property. A dam-break analysis on this property will be required in conjunction with submission of road and drainage plans.

The property is wooded and should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering (Proffered Condition 3). This will insure adequate erosion control measures are in place prior to any timbering.

## PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program as is further detailed by specific departments in the applicable sections of this "Request Analysis". This development will have an impact on these facilities.

### Fire Service:

The Public Facilities Plan indicates that Emergency Services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on fifty (50) dwelling units, this request will generate approximately twelve (12) calls for fire and rescue services each year. The applicant has offered measures to assist in addressing the impact of this development on fire service. (Proffered Condition 10)

The Chester Fire Station, Company Number 1, and Bensley-Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

### Schools:

Approximately twenty-seven (27) students will be generated by this development. This site lies in Ecoff Elementary School attendance zone: capacity - 759, enrollment - 810, Carver Middle School zone: capacity - 1,222, enrollment - 1,449 and Bird High School: capacity - 1,674, enrollment - 1,856.

This request will have an impact on all schools involved. There are currently four (4) trailers at Ecoff Elementary; six (6) trailers at Carver Middle; and five (5) trailers at Bird High. The applicant has offered measures to assist in addressing the impact of this development on school facilities. (Proffered Condition 10)

#### Libraries:

Consistent with Board of Supervisors' Policy, the impact of development on library services is assessed County-wide. Based on projected population growth, The Public Facilities Plan identifies a need for additional library space throughout the County. Even if the facility improvements that have been made since the Public Facilities Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

Development of this property could affect either the Chester or the Central Libraries. The Public Facilities Plan identifies a need for additional Library space in this area of the County. The applicant has offered measures to assist in addressing the impact of this development on library facilities. (Proffered Condition 10)

#### Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Public Facilities Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations, as well as identifying the unmet demand for greenways and trails in Chesterfield. The applicant has offered measures to assist in addressing the impact of this proposed development on Parks and Recreation facilities. (Proffered Condition 10.c))

#### Transportation:

The property (73.3 acres) consists of 1.2 acres zoned Neighborhood Business (C-2) and 72.1 acres zoned Agricultural (A). The applicant is requesting rezoning of the property to Residential (R-25) on 70.5 acres and Neighborhood Office (O-1) on 2.8 acres. The applicant has proffered to limit the use of the proposed O-1 parcel to nursery schools, child or adult care centers, kindergartens, offices and church uses (Proffered Condition 1). Based on single family and day care center trip rates, development could generate approximately 830 average daily trips. These vehicles will be distributed along West Hundred Road, which had a 2003 traffic count of 2,175 vehicles per day (VPD).

The Thoroughfare Plan identifies a proposed north-south major arterial (the "North/South Arterial"), located along the eastern boundary of the property. This proposed roadway extends from Chester Road, south across Route 10 to the planned north/south and east/west freeways. This roadway will serve as a major link between Route 10 and the planned

freeways, and it will provide relief to many of the existing roads in this area, especially Bradley Bridge and Branders Bridge Roads.

In the early 1980's, the County acquired from the then Seaboard Coast Line Railroad a right of way, approximately 100 feet in width, from Chester Road to Branders Bridge Road. The alignment of the North/South Arterial falls within the abandon railroad right of way. Staff does not support this request because the applicant is not willing to construct two (2) lanes of the North/South Arterial for the length of the property frontage. If this roadway is not provided in conjunction with development, public funds would have to be provided for its construction. No public funds have been identified or anticipated to become available in the foreseeable future.

Assuming others will construct the road, the applicant has submitted proffers regarding access to, and construction of, turn lanes along the North/South Arterial.

The Thoroughfare Plan also identifies West Hundred Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerline of West Hundred Road, in accordance with that Plan. (Proffered Condition 4)

Development of the O-1 parcel must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). Access to major arterials, such as West Hundred Road and the North/South Arterial, should be controlled. The applicant has proffered that direct access from the property will be limited to no more than one (1) public road onto each roadway (Proffered Condition 5). If a typical subdivision street network is developed on the property with access to West Hundred Road and to the North/South Arterial, it may result in an attractive "cut-through" route within this development. Typical solutions would be: 1) develop a circuitous street network that would reduce the potential for "cut-through" traffic from West Hundred Road to the North/South Arterial; 2) provide a residential collector street through the property; or 3) provide access to only one (1) of the roadways (i.e., either West Hundred Road or the North/South Arterial). Limiting the access to only one (1) of the roadways may be the most practical solution.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct left and right turn lanes along West Hundred Road and the North/South Arterial at each public road intersection, based on Transportation Department standards; and 2) widen the south side of West Hundred Road to a total travel way width of eleven (11) feet measured from the centerline with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder for the entire property frontage. (Proffered Condition 6)

Based on current traffic conditions, if sole access is provided to West Hundred Road, both left and right turns are warranted with development of the R-25 parcel and the O-1 parcel as a day care center. However, development of just the R-25 parcel does not warrant turn lanes. Constructing these turn lanes may require the developer to acquire some "off-site" right of way. According to Proffered Condition 6.c., if the developer is unable to acquire off-site

right of way for any of the proffered road improvements along West Hundred Road or the North/South Arterial, the developer may request the County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the County chooses not to assist with the right of way acquisition, the developer will not be obligated to acquire the "off-site" right of way and will only be obligated to construct road improvements within available right of way.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. West Hundred Road will be directly impacted by this development. Sections of this road have twenty (20) foot wide pavement with one (1) foot wide shoulders. The capacity of this road is acceptable (Level of Service C) for the volume of traffic it currently carries (2,175 VPD). The applicant has proffered to contribute cash in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 10). As development continues, traffic volumes on area roads will substantially increase. Providing improvements to substandard roads in this area will require public funds, in addition to cash proffers. The only road improvement project in this area of the County currently included in the Six-Year Improvement Plan involves constructing shoulders along Branders Bridge Road from Carver Heights Drive to Bradley Bridge Road. Due to State funding shortfalls, this project is currently on hold.

As previously noted, the applicant is unwilling to construct the North/South Arterial along the property frontage. Without this commitment, the Transportation Department cannot support this request.

**Financial Impact on Capital Facilities:**

		PER UNIT
Potential Number of New Dwelling Units	50*	1.00
Population Increase	136.00	2.72
Number of New Students		
Elementary	12.00	0.24
Middle	6.50	0.13
High	8.50	0.17
TOTAL	27.00	0.54
Net Cost for Schools	242,350	4,847
Net Cost for Parks	34,650	693
Net Cost for Libraries	18,750	375
Net Cost for Fire Stations	20,050	401
Average Net Cost for Roads	205,450	4,109
TOTAL NET COST	521,250	10,425

\*Based on a proffered maximum number of units (Proffered Condition 11). The actual number of units developed and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' Policy, and proffers accepted from other applicants, the applicant has offered cash, a public trail easement and improvements to assist in defraying the cost of this proposed zoning on such capital facilities (Proffered Condition 10). The cash, \$8,402 per unit, includes the maximum for schools, libraries, fire stations and roads. The parks impact will be offset by dedication of a public easement and various park improvements.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the proffers as offered.

## LAND USE

### Comprehensive Plan:

The request property lies within the boundaries of the Chester Village Plan which suggests the property is appropriate for single family residential use of 1.01 to 2.5 units per acre.

### Zoning History:

The Board of Supervisors approved the existing zoning of the request properties in 1959. The residential zoning was approved on April 8, 1959, and the commercial zoning was approved on July 8, 1959.

### Area Development Trends:

Properties to the north, south and west are characterized by single family residential uses on acreage parcels and church uses. Adjacent property to the east consists of acreage parcels fronting along West Hundred Road, the abandoned railroad right of way and single family residential development in the Ashton Subdivision. Residential development is expected to continue in the area, as is suggested by the Plan.

### Site Design:

As previously noted, this application includes a request to rezone a portion of the property to Residential (R-25) for development of a single family residential subdivision and a portion to Neighborhood Office (O-1). A portion of the request property is currently zoned Neighborhood Business (C-2). Proffered conditions have been offered on the proposed O-1 portion, limiting uses which could be developed on that portion of the property. (Proffered Condition 1)

### Residential Standards:

The applicant has proffered a minimum gross floor area for homes of 2,200 square feet (Proffered Condition 9). Proffered Condition 8 addresses exterior wall surfaces of all foundations.

The applicant has proffered to record restrictive covenants for the development (Proffered Condition 12). These covenants will be privately enforced. The County will only be responsible for ensuring that the covenants are recorded.

The Subdivision Ordinance requires the provision of a fifty (50) foot buffer along West Hundred Road and the proposed north/south arterial adjacent to the residential development.



### Office Standards:

As previously noted, the request property is located within the Chester Village Plan. A portion of the request property is zoned for Neighborhood Commercial uses. That portion of the property, as well as a portion of the Agricultural (A) parcel, is proposed to be rezoned to Neighborhood Office (O-1). While the Plan does not support office zoning and uses on the request property, this request affords an opportunity to develop less intense office uses in an area currently zoned for more intense commercial uses and gain further restrictions so as to insure compatibility and preserve the residential character of the area.

The proposed O-1 property currently lies within an Emerging Growth District Area. The Zoning Ordinance specifically addresses access, landscaping, setbacks, parking, signs, buffers, utilities and screening of outside storage for properties in this district. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. Development of the office portion of the property must comply with these Standards. The Zoning Ordinance will manage the intensity of the office tract by limiting building sizes and square footage per acre.

### Buffers and Screening (O-1 Portion):

The Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) on property which is adjacent to an A or R District be screened from view of such district by a masonry or concrete wall which is constructed of comparable materials to and designed to be compatible with the principal building that such area serves. Solid waste storage areas must be screened from view of public rights of way by a solid wall, fence, dense evergreen plantings or architectural feature. Such areas within 1,000 feet of any A or R Districts must not be serviced between the hours of 9:00 p.m. and 6:00 a.m. In addition, sites must be designed and buildings oriented so that loading areas are screened from adjacent properties where loading areas are not permitted, from property in an A District that is designated on the Comprehensive Plan for a district in which loading areas are not permitted and from public rights of way.

Adjacent property to the south, east and west is to be zoned Residential (R-25) with approval of this request. The Zoning Ordinance will require a minimum forty (40) foot buffer between the R-25 and O-1 tracts. At the time of site plan review, the Planning Commission may modify this buffer under certain circumstances.

### CONCLUSIONS

The proposed residential zoning and land use conform to the Chester Village Plan which suggests the property is appropriate for single family residential use of 1.01 to 2.5 dwelling units per acre. In addition, while the proposed office zoning and land use do not conform to the Plan, given that a portion of the property is already zoned C-2 and could be developed for commercial uses today, the current proposal provides an opportunity to replace the commercial zoning with less intense office zoning.

However, the application does not adequately address the transportation concerns, as discussed herein. Given these considerations, denial of this request is recommended.

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## CASE HISTORY

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### Planning Commission Meeting (1/20/04):

On their own motion, the Commission deferred this case to February 17, 2004.

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### Staff (1/21/04):

The applicants were advised in writing that any significant new or revised information should be submitted no later than January 26, 2004, for consideration at the Commission's February 17, 2004, public hearing.

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### Applicants (1/30/04, 2/2/04 and 2/5/04):

Revised proffered conditions were submitted.

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### Planning Commission Meeting (2/17/04):

On their own motion, the Commission deferred this case to March 16, 2004.

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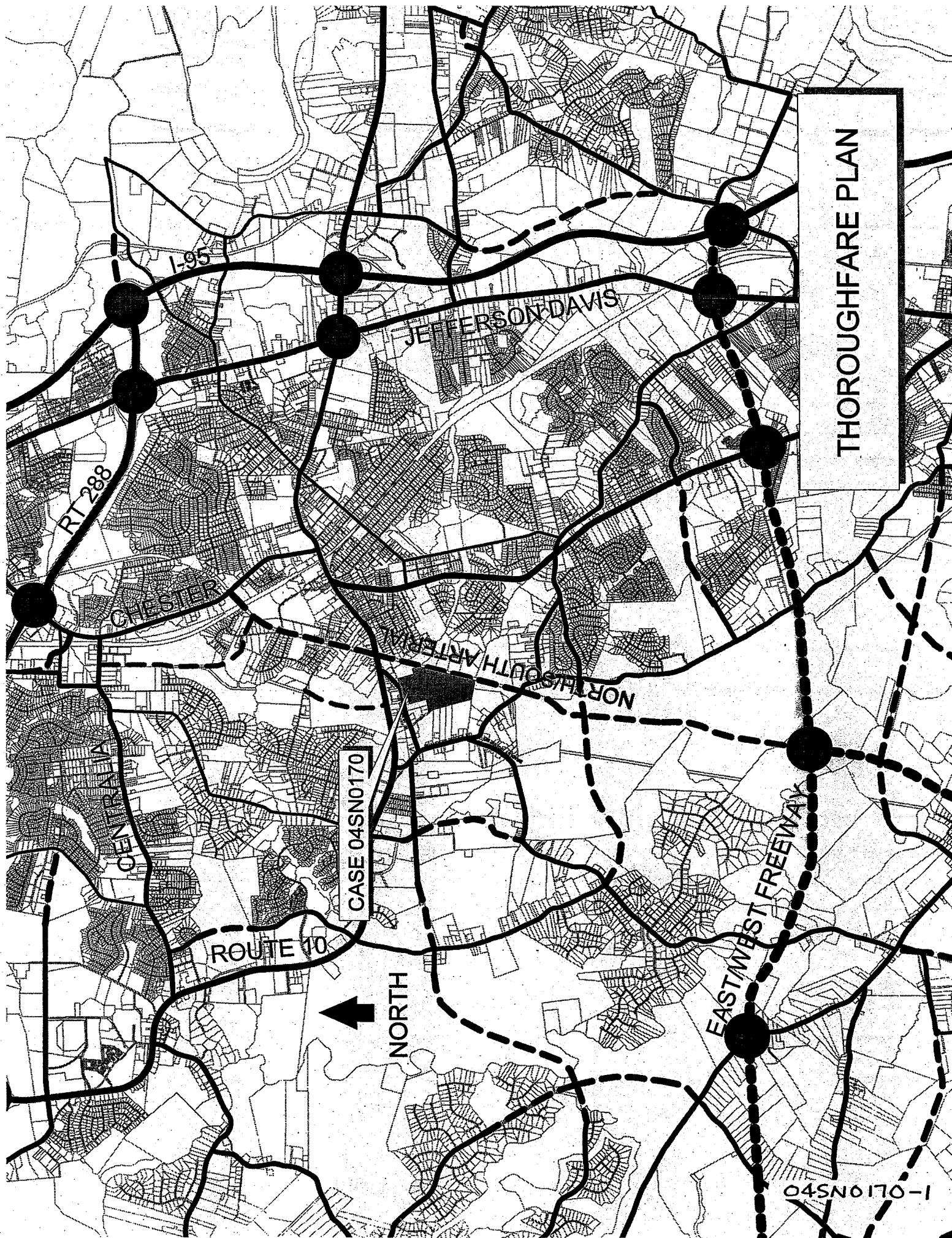
### Staff (2/18/04):

The applicants were advised that any significant new or revised information should be submitted no later than February 23, 2004, for consideration at the Commission's March 16, 2004, public hearing.

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THOROUGHFARE PLAN



04SN0170-1

THOROUGHFARE PLAN

HARROWGATE RD.

NORTH/SOUTH ARTERIAL

ROUTE 10

W. HUNDRED RD.

CASE 043N06170

BRANDERS BRIDGE RD.

BRADLEY BRIDGE RD.

NORTH

2-010N540

